

January 12, 1976

SENATOR CAVANAUGH: I don't understand the reason for making that distinction. You don't want to inconvenience the protester, but you don't mind inconveniencing the applicant. Is that I suppose that's what it boils down to.

SENATOR ANDERSON: Yes, that's the distinction. That's the policy determination that the Legislature has to make. The recommendation of the Liquor Control Commission was made, primarily, because they felt that if the appeal was between only the applicant and themselves that then they could reduce their expenses by bringing the cases to Lancaster County. They felt that if a protest was involved then a considerable larger number of people would be involved, and then it would be more logical to send their people out to the other district court.

SENATOR CAVANAUGH: OK. I think I'll oppose this piece of legislation on the basis, primarily, that I would be more in favor of conveniencing the applicant or the taxpayer in this case then conveniencing the agency. It doesn't seem to me to be any great burden on them to go to the district court. It seems by the time that you've gotten to the district court, the applicant has already had to come to Lincoln and burden himself with that expense for his original hearing before the Commission. There's no reason to bring him back again when there's a perfectly serviceable district court in his own locality. I think that he is entitled to that benefit much more then the Liquor Commission.

I'll oppose the bill.

PRESIDENT: Senator Anderson, would you close debate, please, by reply.

SENATOR ANDERSON: The policy determination that the Legislature is being asked to make is set out. This is the determination of whether you want the applicant ... the applicant would have to come to Lincoln in the case where there is no protest involved. I think you should remember that we do have considerable additional expense involved, as far as the Liquor Control Commission is concerned if they have to send their attorneys or staff around the state. The other thing I would like to point out in conjunction with the hearing ... I think this was the thing that primarily influenced the Committee in their determination on this thing was that the hearing for this bill was heard when there were a number of licensees at the hearing. There was, as is indicated in the Committee Report, no opposition to this particular procedure that was submitted by any of the licensees that were there at the hearing and could very easily have testified against the bill.

PRESIDENT: Senator Dworak, for what purpose do you arise?

SENATOR DWORAK: Question of Senator Anderson.